

CHAITMAN LLP
465 PARK AVENUE
NEW YORK, NY 10022
(888) 759-1114
TELEPHONE & FAX

HELEN DAVIS CHAITMAN
hchaitman@chaitmanllp.com

November 6, 2018

VIA ECF AND FEDERAL EXPRESS

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: *In re: Bernard L. Madoff*, Adv. Pro. No. 08-01789 (SMB)

Dear Judge Bernstein:

We write on behalf of various defendants represented by this firm (“Defendants”) pursuant to Your Honor’s instructions at the September 26, 2018 hearing on the Order to Show Cause and the Order entered by Your Honor on October 23, 2018 requiring this firm to set forth those matters that remain pending before Judge Maas.

The only matter that is pending before Judge Maas is the ongoing dispute about the Trustee’s non-production of trading records.

Our office has recently reviewed all of the filings before Judge Maas in matters in which this firm is involved. Set forth as Exhibit A to this Letter is an index of all such documents. Those documents on Exhibit A that are highlighted in green should be retained by Judge Maas as they relate to matters that are pending. Documents highlighted in red can be disposed of.

If there is anything else we can do to help Judge Maas resolve these issues, please let us know.

Respectfully submitted,

/s/ Helen Davis Chaitman

Helen Davis Chaitman

HDC:leb
Encl.

cc: (Via: email:)
Hon. Frank Maas (fmaas@jamsadr.com)
David J. Sheehan (dsheehan@bakerlaw.com)

EXHIBIT A

	Date	From	Description
1.	08/29/2016 ¹	CLLP ²	Re: Wilentz, Motion to compel, Adv. Pro. No. 10-04955, ECF Nos. # 68, 69, 70
2.	11/01/2016	BH Edward Jacobs	Binder of key orders and decisions
3.	11/03/2016	BH ³ Dean Hunt	Re: Benjamin, request order compelling production and facts w. Exhibits A-C
4.	11/03/2016	BH Dean Hunt	Re: DiGiulian, request order compelling amend responses to interrogatories and produce docs
5.	11/03/2016	BH Dean Hunt	Re: DiGiulian, request order compelling amend responses to interrogatories and produce docs
6.	11/03/2016	BH Edward Jacobs	Re: Wilentz, opposition to Defs.' motion to compel and cross-motion for protective order w. Exhibits A-F
7.	11/03/2016	BH Dean Hunt	Re: Train Klan, request order compelling amended responses to interrogatories and produce docs
8.	11/08/2016	CLLP HDC	Re: Wilentz, Harwood, Gordon, Boyer, Dusek, Perlman, Digiulian, Tran Klan, Benjamin, enclosing supplemental authority, brief in PW omnibus proceeding ⁴
9.	12/09/2016	BH Dean Hunt	Re: Miller, extended deadline for Defs. to produce docs and status of review docs Defs. produced (refers to 11/3/2016 letter)
10.	12/13/2016	CLLP HDC	Re: Miller, response to BH 12/09/2016 letter, advising dismissal of subsequent transferee Defs.
11.	12/14/2016	CLLP	Email regarding plea of Frank DiPascali, attaching transcript of plea

¹ Filed in the Bankruptcy Court and then referred to Judge Maas pursuant to the October 4, 2016 Order appointing Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390. ECF No. 14227.

² Chaitman LLP

³ Baker & Hostetler LLP

⁴ This letter is 81 pages and includes a 79 page enclosure. It is not necessary for Judge Maas to retain the enclosure, which is a brief filed by the Trustee in the Profit Withdrawal proceeding.

	Date	From	Description
12.	12/15/2016	BH Edward Jacobs	Re: Wilenitz, update of pre-2002 trading records, and DiPascali allocation (refers to CLLP email 12/14/2016)
13.	12/06/2016	BH Edward Jacobs	Re: In re BLMIS, two binders Dubinsky report, correspondence and Kugel plea allocation
14.	12/29/2016	CLLP HDC	Re: Wilentiz, Harwood, Gordon, Boyer, Dusek, Perlman, Digiulian, Tran Klan, Benjamin, response to Trustee's proposed order and what Defs. can stipulate
15.	01/03/2017	CLLP HDC	Re: Miller, facially false assertions by Trustee, subsequent transferees
16.	01/04/2017	Judge Maas	Judge Maas Order re: protective order
17.	01/07/2017	Judge Maas	Judge Maas Order re: trading records. ECF No. 14807.
18.	01/09/2017	Judge Maas	Judge Maas Order re: depositions
19.	02/21/2017	CLLP HDC	Re: Wilenitz, submission in further support of motion to compel Trustee comply with discovery demands
20.	03/06/2017	BH Edward Jacobs	Re: trading records, with exhibits A-C
21.	03/07/2017	CLLP HDC	Re: Wilenitz, reply to Trustee's 3/6/2017 letter, trading records
22.	3/15/2017	Judge Maas	Judge Maas Order re: trading records
23.	04/06/2017	CLLP GMD	Re: Gordon, HDC out of country
24.	05/02/2017	BH Dean Hunt	Re: Defs.' discovery responses, with exhibits A-C
25.	05/04/2017	CLLP HDC	Re: DiGiulian, reply to Trustee's 5/2/2017 letter, cannot waive affirmative defense
26.	05/12/2017	CLLP JA	Re: Gordon, deposition
27.	08/24/2017	BH Dean Hunt	Re: Train Klan, compel Defs. to comply with Order amended 1/4/2017
28.	08/24/2017	CLLP JA	Re: Train Klan, response to Trustee's 8/24/2017 letter, will not stipulate
29.	09/06/2017	BH Dean Hunt	Re: Train Klan, response to CLLP 8/24/2017 letter, request hearing
30.	09/08/2017	Judge Maas	Judge Maas Order re: discovery

	Date	From	Description
31.	09/20/2018	CLLP HDC BH Max Shifrin	Re: Wilenitz, CLLP: application to compel Trustee share access to BLMIS Database with Defs.; Trustee: no regard to relevance or proportionality, and fails to comply with 3/15/2017 Order